APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,135	01/16/2004	Reiner Hammerich	000005-006700US	7210

68155   7590   01/07/2009
FOUNTAINHEAD LAW GROUP, PC
900 LAFAYETTE STREET
SUITE 509
SANTA CLARA, CA 95050

EXAMINER
TSUI, WILSON W

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
01/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/760,135	HAMMERICH ET AL.
	Examiner	Art Unit	
	WILSON TSUI	2178	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>15 December 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-20</u>.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner has carefully considered the applicant's arguments; however, considers them not persuasive. The Applicant first argues that "Prosise does not disclose claim 1's limitation of "the object storing a default value ... in a transfer format" [because] "Prosise discloses the 'the script ... extracts the users input from the ... object' [and thus] Prosise's disclosure focuses on the user's input and an objects interaction with the user's input [and in] contrast, claim 1's limitation recites 'the object storing a default value in a transfer format'". The Examiner respectfully points out, that yes, in the line pointed out by the applicant, the script does extract user input from the object (Prosise: last sentence of page 3, and first sentence of page 4). However, Prosise mentions this statement that is pointed out by the applicant; in order to give context to a state-retaining problem. This state-retaining problem is resolved as further disclosed in pages 4-6, whereas, Prosise cites: "When the form is initially displayed, Request ("principle"), Request ("rate"), and Request("Months") return null strings that result in empty Value fields". The Examiner respectfully points out that the Request ("principle"), Request ("rate"), and Request ("months"), are script commands executed on the server side (page 4 of Prosise: "The key is the scripted Value attributes added to the input tags ..."). Since, the output of an ASP file includes data executed from scripts executed at the server, as known in the art, and as also pointed out in http://www.w3schools.com/asp/asp_syntax.asp, whereas an "ASP file can also contain server scripts surrounded by delimiters <% and %>. ... [and] server scripts are executed on the server". Thus, as explained and cited in page 4 of Prosise, the Figure 5 as disclosed in http://msdn.microsoft.com/en-us/magazine/bb985967.aspx, show that the Request commands are contained within <% and %> delimiters to indicate server side scripts. Therefore, the default (NULL) data retrieved from the request object is not from the client side (user -input), but rather it is from the server side, the default values being returned from the server back to the client (through a server side script), and then when the user at the client side enters values and clicks submit, a postback to the same server side script occurs, and through the ASP code in Figure 5, state data is retained, to ultimately result in Figure 6.

The examiner has included print outs from http://www.w3schools.com/asp/asp_syntax.asp, and http://msdn.microsoft.com/en-us/magazine/bb985967.aspx that were cited above in order to help the applicant understand the arguments made above.

Additionally, although the examiner understands that the "receiving", "creating", generating", "sending", "replacing", and "forwarding" steps cited in the claim language are server side, the claim language does not appear to explicitly cite this. The examiner suggests to the applicant that the preamble should be amended to cite "... operable to cause a data processing apparatus to perform operations at a server-side framework comprising: ...", such that the claim language accurately suggests that the steps are performed at the server-side.

In the interest of expediting the application, the examiner also further points out to the applicant to focus on delta handling method's disclosed in applicant's specification (page 6) and also input mask generation (such as explained in page 6)..